

In The United States Patent And Trademark Office

Applicant: Xuekui Lan et al.

Date: February 2, 2001

Date Filed: September 26, 1997

Docket No.: VALMET-5210

App. No.: PCT/US97/17417

For: Method and Apparatus for the High
Speed Application of Coating to a
Traveling Paper Web

Detailed Statement of How Delay in Discovering the Abandoned Status Occurred

Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This application was discovered to be abandoned on January 12, 2001.

A provisional application, U.S. App. No. 60/051,471 was filed on June 30, 1997; a PCT application claiming priority on the provisional application was filed for Beloit Technologies, Inc., by Patent Agent Gerald Matthews of Beloit Corporation's Patent Department on September 26, 1997, designating the United States. Chapter II was entered, so the pending U.S. application became abandoned on December, 31, 1999--one day after thirty months from the priority date, for failure to enter the national stage.

On June 7, 1999, assignee Beloit Technologies, Inc., Beloit Corporation, and Harnischfeger Industries, Inc. filed for bankruptcy, see Exhibit A. On or about September 7, 1999, the Beloit Corporation Patent Department was closed, and all matters were thereafter handled through Atty. James Lowe of Harnischfeger Industries, Inc. See Exhibit B.

On December 15, 1999, Mr. Lowe contacted a European associate and instructed the associate to enter the national phase in Europe. Mr. Lowe allowed the U.S. international phase

application to become abandoned through failure to enter the national phase. I have spoken to Mr. Lowe and he was unaware of the need to enter the United States national phase to prevent abandonment of the pending U.S. application.

The file with respect to this matter contains an e-mail communication from Gerald Matthews to the inventor Xuekui Lan, dated June 3, 1998, see exhibit C, which makes clear that the last representative to consider the pendency of the application had no intent to abandon the application.

On or about May 11 and June 1 of 2000 the current owners Valmet Inc. (now Metso Paper, Inc.) and MHI purchased certain assets in bankruptcy from Beloit Technologies, Inc., including the PCT application, and the corresponding U.S. international stage application which stands unintentionally abandoned.

The docketing data, (which was transferred from the Beloit Corporation Patent Department to Mr. Lowe at Harnischfeger , and then to the undersigned who was hired to prosecute the portfolio acquired through bankruptcy) was deficient, inasmuch as no notice of the failure to enter the national phase in the United States came to my attention. Because the docket did not provide notification, the unintentional abandonment was not discovered until, in the ordinary course of responding to correspondence related to the Beloit Corporation portfolio acquired in bankruptcy, the matter came to my attention.

In reviewing a correspondence received on November 6, 2000 from the European Associate, I became aware on or about January 12, 2001, through an examination of the PCT, and European application files corresponding to PCT/US97/17417, that the filing of the United States application had been intended, and no national phase application had been filed. Mr. Lowe never became aware that the application was abandoned until I discussed the matter with him after January 12, 2001.

Respectfully submitted,



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